

AMENDED IN ASSEMBLY APRIL 14, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 708

Introduced by Assembly Member Jones-Sawyer

February 25, 2015

An act to add Article 10.92 (commencing with Section 25219.5) to Chapter 6.5 of Division 20 of the Health and Safety Code, relating to consumer product safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 708, as amended, Jones-Sawyer. Consumer products: content information.

Existing law regulates the labeling and use of various consumer products, including toys and toxic household products.

Existing law, administered by the Department of Toxic Substances Control, prohibits the management of hazardous waste, except in accordance with the hazardous waste laws or the regulations adopted by the department. A violation of these laws is a crime.

This bill would, commencing July 1, 2016, ~~prohibit the manufacture, sale at the wholesale or retail level, or distribution of certain consumer products unless the manufacturer (1) discloses~~ *require the manufacturer of designated consumer products for retail sale in this state to disclose* each ingredient contained in the product ~~by posting that information on the product label and label, post the product ingredient information on the manufacturer's Internet Web site, as prescribed, and (2) provides~~ *site, and provide the Internet Web site and page address on the product label, along with a prescribed statement. By creating a new crime, this bill would impose a state-mandated local program.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Article 10.92 (commencing with Section 25219.5) is added to Chapter 6.5 of Division 20 of the Health and Safety Code, to read:

Article 10.92. Chemically Formulated Consumer Products

25219.5. For purposes of this article, the following definitions shall apply:

(a) “Chemically formulated consumer product” means a consumer product that is manufactured from chemicals or chemical compounds to be used by household, institutional, commercial, and industrial consumers without further processing for specific purposes. For the purposes of this subdivision, dilution by the consumer is not considered further processing.

(b) “Consumer product” has the same meaning as is specified in subdivision (e) of Section 25251.

(c) “Designated consumer product” means any product included in the following categories:

(1) “Air care product” means a chemically formulated consumer product designed, or labeled to indicate that the purpose of the product is, ~~for masking odors, to mask odors or for freshening, cleaning, scenting, or deodorizing to freshen, clean, scent, deodorize~~ the air.

(2) “Automotive product” means a chemically formulated consumer product designed, or labeled to indicate that the purpose of the product is, to maintain the appearance of a motor vehicle, as defined in Section 670 of the Vehicle Code, including products for washing, waxing, polishing, cleaning, or treating the exterior or interior surfaces of motor vehicles. “Automotive product” does not include automotive paint or paint repair products.

1 (3) "Cleaning product" means a soap, detergent, or other
2 chemically formulated consumer product designed, or labeled to
3 indicate that the purpose of the product is, to clean or disinfect
4 surfaces, including, but not limited to, floors, furniture, countertops,
5 showers and baths, or other hard surfaces, such as stovetops,
6 microwaves, and other appliances, fabric care, or dish or other
7 ware washing.

8 (4) "Polish or floor maintenance product" means a chemically
9 formulated consumer product, such as polish, wax, or a restorer,
10 designed, or labeled to indicate that the purpose of the product is,
11 to polish, protect, buff, condition, temporarily seal, or maintain
12 furniture, floors, metal, leather, or other surfaces.

13 (d) "Ingredient" means a chemical in a designated consumer
14 product.

15 (e) "Manufacturer" means a person or entity that manufactures,
16 assembles, produces, packages, repackages, or relabels a designated
17 consumer product that is sold, distributed, or used in this state.

18 ~~25219.52. Commencing July 1, 2016, no designated consumer~~
19 ~~product may be manufactured, sold at the wholesale or retail level,~~
20 ~~or otherwise distributed in this state unless the manufacturer~~
21 ~~discloses~~ *The manufacturer of a designated consumer product*
22 *manufactured after July 1, 2016, for retail sale in this state, shall*
23 *disclose each ingredient contained in the product on the product*
24 ~~label and by posting label, post the product ingredient information~~
25 ~~on the manufacturer's Internet Web site and provides the site, and~~
26 *provide the Internet Web site and page address on the label of the*
27 *designated product along with a statement directing the consumer*
28 *to the Internet Web site for information concerning ingredients*
29 *contained in the product.*

30 25219.54. (a) For purposes of disclosing each ingredient
31 contained in the designated consumer product on the product label,
32 the ingredients *present at concentrations of more than 1 percent*
33 *shall be listed in order of weight, as measured by the ingredient's*
34 *percentage weight of the total weight of all ingredients in the*
35 *product. Ingredients present at concentrations of 1 percent or less*
36 *may be listed in any order.* The manufacturer is not required to
37 list the weight of an ingredient in the product.

38 (b) (1) ~~For purposes of disclosing each ingredient contained in~~
39 ~~the designated consumer product on the manufacturer's Internet~~
40 ~~Web site, ingredients~~ *Ingredients* in a designated consumer product

1 shall be identified by the Chemical Abstract Service (CAS) number
2 and either the Consumer Specialty Products Association Consumer
3 Product Ingredients Dictionary (CSPA dictionary) ~~name, if and~~
4 ~~when the dictionary is made accessible to the public, name~~ or the
5 International Nomenclature Cosmetic Ingredient (INCI) name. If
6 there is not a CSPA dictionary name or INCI name, then the
7 ingredients in a designated consumer product shall be identified
8 by the CAS number and the International Union of Pure and
9 Applied Chemistry (IUPAC) name. If there is no CSPA dictionary
10 name, INCI name, or IUPAC name, then the product shall be
11 identified by the CAS number and common chemical name.

12 (2) In identifying the ingredient name, the manufacturer shall
13 also identify which of the nomenclature references were used for
14 ingredient identification.

15 (3) Each ingredient shall have an explanation of its purpose for
16 being in the designated consumer ~~product.~~ *product on the*
17 *manufacturer's Internet Web site.*

18 (c) *Information required pursuant to this section shall be in a*
19 *type size no smaller than 6-point.*

20 SEC. 2. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 the only costs that may be incurred by a local agency or school
23 district will be incurred because this act creates a new crime or
24 infraction, eliminates a crime or infraction, or changes the penalty
25 for a crime or infraction, within the meaning of Section 17556 of
26 the Government Code, or changes the definition of a crime within
27 the meaning of Section 6 of Article XIII B of the California
28 Constitution.